

DELEGATIONS MADE BY COUNCIL TO CHIEF EXECUTIVE AND STAFF – JULY 2011

Delegations under clause 32 and 32B of Schedule 7 of the Local Government Act 2002.

For the avoidance of doubt:

- a reference in this document to an enactment, regulation or bylaw includes any enactment, regulation or bylaw that, with or without modification, replaces or corresponds to that enactment, regulation or bylaw; and
- a reference in this document to a Council officer position includes any Council officer position that replaces or corresponds to that Council officer position and involves substantially the same duties.

Note: these delegations are subject to the restriction set out in clause 32(1) of Schedule 7 of the Local Government Act 2002, which provides that a local authority may not delegate the following powers:

- (a) the power to make a rate;
- (b) the power to make a bylaw;
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) the power to adopt a long-term plan, annual plan, or annual report;
- (e) the power to appoint a chief executive;
- (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement.

Legislation and Authority	Powers Delegated
<p>Building Act 2004, any regulations made under that Act, and the Building Code (Schedule 1 to Building Regulations 1992) To the Chief Executive with power of sub-delegation to officers</p>	<p>Under section 232 of the Building Act 2004 – delegation of authority to exercise and administer all responsibilities, duties and powers of the Council as a Territorial Authority and Building Consent Authority under the Building Act 2004, any regulations made under that Act and the Building Code (Schedule 1 to the Building Regulations 1992) including delegation to the Chief Executive (with the power to sub-delegate) to write off sundry debts to the value of \$800, except:</p> <ul style="list-style-type: none"> • the adoption, amendment or replacement of the Council's policy on dangerous, earthquake prone and insanitary buildings as required by sections 131 and 132; • the making of arrangements to transfer functions to another building authority under section 213; • the transfer of functions, duties or powers of a territorial authority to another territorial authority under sections 233-236; • the setting of fees or charges under section 219.

Legislation and Authority	Powers Delegated
<p>Burial and Cremation Act 1964 and any regulations made under that Act, including the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967</p> <p>To the Chief Executive with power of sub-delegation to officers except that the Chief Executive may not sub-delegate the power to appoint officers under section 19 of the Act.</p>	<p>Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, including but not limited to the power to:</p> <ul style="list-style-type: none"> • manage cemeteries as set out in sections 8 and 9; • sell burial plots under section 10; • appoint officers under section 19 to assist in execution of Act; • enable burials of poor persons to take place free of charge under section 49; • prosecute in relation to offences under sections 54AA to 57; • give notice, advertise and remove dilapidated or neglected monuments or tablets under the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967.

Legislation and Authority	Powers Delegated
<p>Dog Control Act 1996 and any regulations made under that Act</p> <p>To the Chief Executive with power of sub-delegation to officers.</p>	<p>Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, including but not limited to the power to:</p> <ul style="list-style-type: none"> • appoint dog control officers and dog rangers under section 11 and section 12; • classify a person as a probationary owner under section 21, remove that classification under section 23 and require that person to undergo probationary training under section 23A; • disqualify a person from being an owner of a dog under section 25; • classify a dog as dangerous under section 31; • provide consent for disposal of dangerous dog to other persons if satisfied that conditions are met as set out in section 33; • classify as menacing by behaviour, characteristic or breed as set out in section 33A and section 33C, and require a menacing dog to be neutered under section 33EB; • authorise persons other than dog control officers to issue infringement notices under section 66; • impound and subsequently dispose of a dog under section 69; • dispose of or return under section 70 a dog impounded for barking; • retain a dog threatening public safety under section 71; • dispose of dog seized as set out in section 71A.

Legislation and Authority	Powers Delegated
<p>Domestic Violence Act 1995 and any regulations made under that Act, including the Domestic Violence (Public Registers) Regulations 1998</p> <p>To the Chief Executive with power of sub-delegation to officers.</p>	<p>Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under Part 6 “Non-publication of information relating to protected person on public registers” of the Domestic Violence Act and any regulations made under the Act.</p>

Legislation and Authority	Powers Delegated
<p>Fencing Act 1978 and any regulations made under that Act</p> <p>To the Chief Executive with power of sub-delegation to officers.</p>	<p>Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act.</p>

Legislation and Authority	Powers Delegated
Fencing of Swimming Pools Act 1987 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act except those powers specified in section 6 of the Act and clause 11 of the Schedule to the Act (which relate to exemptions).

Legislation and Authority	Powers Delegated
Fire Service Act 1975 and any regulations made under that Act, including the Fire Safety and Evacuation of Building Regulations 2006 To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act.

Legislation and Authority	Powers Delegated
Food Act 1981 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of Council under the Act and any regulations made under the Act, including but not limited to the processing of exemptions from Food Hygiene Regulations 1974 under section 8N of the Act.

Legislation and Authority	Powers Delegated
Forest and Rural Fires Act 1977 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, including but not limited to the power to: <ul style="list-style-type: none"> • appoint the Principal Rural Fire Officer and Rural Fire Officers under section 13 in respect of the areas in which the Council is the Fire Authority; • take measures to remove certain fire hazards under section 60; • commence proceedings against any person who has committed an offence against this Act under section 61.

Legislation and Authority	Powers Delegated
Gambling Act 2003 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, including but not limited to the power to consider applications for territorial authority consent for class 4 venue licenses in accordance with the class 4 venue policy and: <ul style="list-style-type: none"> • grant consent with or without specifying the maximum number of machines that can be operated at the venue; or • not grant consent.

Legislation and Authority	Powers Delegated
Health Act 1956 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act including but not limited to: <ul style="list-style-type: none"> • the power to appoint Environmental Health Officers under section 28; • the power to issue cleansing orders under section 41; • the power to issue repair or closing orders under section 42; • issuing consent for the establishment of any offensive trade under section 54;

	<ul style="list-style-type: none"> the power to initiate proceedings under section 33 in respect of nuisances; the Council's powers in relation to back-flow prevention systems and devices under section 69ZZZ; the power to cleanse and disinfect premises or articles under section 82.
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Legislation and Authority	Powers Delegated
Impounding Act 1955 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, including but not limited to the power to appoint poundkeepers, deputies and rangers under section 8 and section 9 for the proper carrying out of the provisions of this Act, except the powers contained in section 14(1) of the Act (setting pound fees).

Legislation and Authority	Powers Delegated
Land Transport Act 1998 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of Council under the Act, any regulations made under that Act and associated requirements of the Land Transport Rules including but not limited to the power to: <ul style="list-style-type: none"> appoint parking wardens under section 128D.

Legislation and Authority	Powers Delegated
Litter Act 1979 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, including but not limited to the powers to: <ul style="list-style-type: none"> appoint litter control officers as set out in section 5 require the provision and maintenance of litter receptacles under section 9 issue notices under section 10 in relation to litter make grants or spend money on campaigns for the abatement or prevention of litter under section 11 issue infringement notices under section 14.

Legislation and Authority	Powers Delegated
Local Government Act 2002 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, except : <ul style="list-style-type: none"> the powers set out in clause 32(1)(a) to (f) of Schedule 7 of the Act; any Local Government Act 2002 power expressly reserved to the Council or expressly delegated by the Council to a committee; where sections 138 or 140 of the Local Government Act 2002 apply; or as limited by the conditions set out below. Delegation of authority to affix the Council's common seal: <ul style="list-style-type: none"> to any warrants issued by the Council where the warrants authorise entry onto private land on behalf of the Council; to any deed entered into by Council (Note that leases, easements, instruments and other land-related documents are deemed to have the same effect as deeds and should be executed as deeds. See clause 13 of the Land Transfer Regulations 2002);

Legislation and Authority	Powers Delegated
	<ul style="list-style-type: none"> • to any document that has been prepared to implement a resolution previously made by the Council; and • in any other situation where the Council is directed by legislation to use its common seal; <p>providing that the signature of the Chief Executive followed by that of the Mayor or Deputy Mayor and one Councillor have first been obtained and that the use of the common seal is recorded in a register and advised to Council on a weekly basis via the Elected Members Bulletin.</p> <p>Without limiting the powers delegated to the Chief Executive above, the Chief Executive may:</p> <ul style="list-style-type: none"> • implement any proposal or decision contained within the Council's long-term council community plan or annual plan or other adopted Council policy; • issue warrants under the LGA 2002 or any other enactment under which Council officers may be warranted; • appoint enforcement officers under section 177 of the Act; • give written approval to activities in the Council's capacity as land owner except as limited by clause 32(1)(c) of Schedule 7 of the Act; • grant leases of residential properties (see note above about deed execution); • grant leases of Council land or non-residential buildings where the term of the lease is 1 year or less, or where the annual rent is \$20,000 or less (see note above about deed execution); • grant licences to occupy Council land where the term of the licence is 1 year or less; and • grant easements over land (see note above about deed execution). <p>The following conditions apply to the exercise of the Chief Executive's delegated powers under the Act:</p> <ul style="list-style-type: none"> • The Chief Executive may commit Council expenditure for any contracts up to \$2.2million, for any one contract, including the authority to enter into such a contract, providing that before exercising these powers the Chief Executive is satisfied that full allowance has been made and remains for the proposed expenditure in an approved budget and that all tenders accepted over a value of \$250,000 are reported to the Corporate Business Committee; • The Chief Executive may sub-delegate the authority to commit the Council to expenditure for any contracts for a lesser amount than \$550,000 for any one contract, including the authority to enter into such a contract, providing that before exercising these powers the sub-delegate is satisfied that full allowance has been made and remains for the proposed expenditure in an approved budget and that all tenders accepted over a value of \$250,000 are reported to the Corporate Business Committee; • The Chief Executive (with the power to sub-delegate) may write off sundry debts (excluding rating debts) to the value of \$800.

Legislation and Authority	Powers Delegated
<p>Local Government (Rating) Act 2002 and any regulations made under that Act To the Chief Executive, the Group Manager Finance and the Rates Manager.</p>	<p>Delegation, under section 132, of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, except:</p> <ul style="list-style-type: none"> • the power to make further delegations; • functions, powers and duties conferred by subpart 2 of Part 1 (key provisions on what is ratable, i.e. who must pay rates, and kinds of rates that may be set); • functions, powers and duties conferred by subpart 1 of Part 5 (replacement of rates).

Legislation and Authority	Powers Delegated
<p>Local Government Act 1974 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.</p>	<p>Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, including but not limited to the power to:</p> <ul style="list-style-type: none"> • repair local roads (section 319(a)); • make various alterations to roads, such as levels, etc (section 319(c) to (i) and (k) to (j)); • allocate property numbers (section 319B); • contribute to an adjoining districts road maintenance (section 324); • seek payments for betterment (section 326); • construct footpaths and channels (section 331); cycle tracks (section 332); dividing strips (section 333); monuments, etc (section 334); lighting (section 334A); vehicle crossings (section 335); transport shelters (section 339); • require alterations to pipes and drains and apparatus on or under roads (section 337); • grant rights to lay pipes (section 338); • enable construction of motor garages (section 340) (subject to RMA process); • enter into leases of air space or subsoil (section 341); • contribute to the cost of railway, subways or bridges (section 341A); • enable gates and cattle stops (section 344), • contribute towards Maori road ways (section 324A); • declare roads to be limited access roads; • permit the construction of private roads; • permit the construction of cellars or excavation in the vicinity of road (section 354); • require the removal of overhanging trees (section 355); • remove abandoned vehicles from roads (section 356); • prosecute in relation to penalties for damage to roads (section 357); • provide parking places in buildings and transport stations under section 591; • make and maintain drainage channels (sections 509 to 511); • make allowances (grants) to the owner of land to enable work to keep drainage channels clear (section 514); and • issue infringement notices and prosecute for offences under the Act.

Legislation and Authority	Powers Delegated
<p>Local Government Official Information and Meetings Act 1987 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.</p>	<p>Delegation, under section 42, of authority to exercise and administer all responsibilities, duties and powers of the Council under Parts 2 to 5 of the Act and any regulations made under the Act, except those in section 32 (which relates to responses to recommendations made by the Ombudsman under section 30(1)).</p>

Legislation and Authority	Powers Delegated
<p>Machinery Act 1950 and any regulations made under that Act, including the Amusement Devices Regulations 1978 To the Chief Executive with power of sub-delegation to officers.</p>	<p>Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act including the Amusement Devices Regulations 1978, including but not limited to the power under section 21A of the Act to authorise, permit and carry out inspections in relation to amusement devices.</p>

Legislation and Authority	Powers Delegated
<p>Privacy Act 1993 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.</p>	Delegation, under section 124, of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act.

Legislation and Authority	Powers Delegated
<p>Public Works Act 1981 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers</p>	<p>Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, including but not limited to the power to:</p> <ul style="list-style-type: none"> • deal with trees on roads (sections 133 to 135); • enter onto land (under section 234) to repair public works; • control excavations near public works (under section 237); • remove property abandoned on land for a public work (under section 239); • bring action for damages to public works (under section 238) and to recover land from persons holding illegal possession (under section 240); • prosecute in respect of offences against the Act.

Legislation and Authority	Powers Delegated
<p>Railways Act 2005 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.</p>	<p>Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, including but not limited to:</p> <ul style="list-style-type: none"> • the section 74 duty to maintain drains above or under railway infrastructure; • the section 83 duty to maintain level crossings.

Legislation and Authority	Powers Delegated
<p>Rates Rebate Act 1973 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.</p>	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act.

Legislation and Authority	Powers Delegated
<p>Rating Valuations Act 1998 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.</p>	Delegation, under section 50(1) of the Act, of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act.

Legislation and Authority	Powers Delegated
<p>Reserves Act 1977 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers.</p>	<p>Delegation of authority to exercise and administer all responsibilities, duties and powers* of the Council in its role as an Administering Body (including those delegated from the Minister of Conservation if the Minister's delegation authorises such sub-delegation) under the Act and any regulations made under the Act and management plans except:</p> <ol style="list-style-type: none"> a) the power to declare land to be a reserve under section 14 b) the power to recommend to Council that land be declared a reserve under that section; c) the power to exchange reserve land for other land under section 15; d) the power to make bylaws under section 106;

	<p>e) the power to grant licences pursuant to Section 48A of the Reserves Act 1977 for the use of a reserve for a communications station (such granting of licences to be subject where appropriate to the approval of the appropriate Minister of the Crown and the provision of the First Schedule of the Reserves Act 1977);</p> <p>f) the power to hear and report to Council on submissions and to make recommendations to Council on decisions, relating to the revocation of reserve land;</p> <p>g) the power to determine from time to time whether a park has Districtwide importance and is therefore not a “local” park;</p> <p>h) any power that is expressly required by the Act to be exercised by resolution of the Council;</p> <p>i) the power to grant leases for reserve land.</p> <p>For the avoidance of doubt:</p> <ul style="list-style-type: none"> - exceptions b) and f) do not preclude the power to recommend or report to the Environment and Community Development Committee or Council on these matters; - exception i) does not include the powers relating to licences under section 74 as delegated to the Chief Executive and other officers below. <p>* For leases, easements, transfers and other documents dealing with land, see notes about deed execution under the Local Government Act 2002 delegations</p>
To the Chief Executive, the Group Manager Community Services and the Leisure and Open Space Asset Manager with no power of sub-delegation.	Delegation of the power under section 74 of the Reserves Act to issue and cancel licences to occupy reserves temporarily.

Legislation and Authority	Powers Delegated
<p>Resource Management Act 1991 and any regulations made under that Act</p> <p>To the Chief Executive and the Deputy Chief Executive with no power of sub-delegation</p>	<p>Delegation, under section 34A, of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act, including delegation to the Chief Executive to write off sundry debts to the value of \$800, except:</p> <ul style="list-style-type: none"> • the power of delegation; or • the power of approval of a policy statement or plan under clause 17 of Schedule 1.

Legislation and Authority	Powers Delegated
<p>Trespass Act 1980</p> <p>To the Chief Executive with power of sub-delegation to officers.</p>	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council as occupier of any place or land.

Legislation and Authority	Powers Delegated
<p>Unit Titles Act 2010</p> <p>To the Chief Executive with power of sub-delegation to officers.</p>	Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act.

Legislation and Authority	Powers Delegated
<p>Waste Minimisation Act 2008 and any regulation made under that Act.</p> <p>To the Chief Executive with power of sub-delegation to officers.</p>	<p>Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act except the power to:</p> <ul style="list-style-type: none"> • prepare, adopt, amend or revoke a waste management and minimisation plan; or • make or review a bylaw.

Legislation and Authority	Powers Delegated
<p>Kapiti Coast District Council General Bylaw and all other Bylaws To the Chief Executive with power of sub-delegation to officers</p>	<p>The Council appoints the Chief Executive as an authorised officer under the Kapiti Coast District Council General Bylaw, and as the appropriate officer designation under all other Bylaws. Delegation of authority to exercise and administer all responsibilities, duties and powers of Council under the Kapiti Coast District Council General Bylaw and all other Bylaws, including but not limited to authority to do all things necessary to:</p> <ul style="list-style-type: none"> • implement and uphold the Kapiti Coast District Council General Bylaw and all other Bylaws, • appoint Council staff members as authorised officers under the Kapiti Coast District Council General Bylaw, and appoint Council staff members as officers with the appropriate officer designation under all other Bylaws, • sub-delegate generally and particularly any of those powers conferred upon the Chief Executive under the Kapiti Coast District Council General Bylaw and all other Bylaws.